

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-186-FL

WILLIAM SCOTT DAVIS, JR.,

Plaintiff,

v.

ALBERT SINGER, ANTHONY
MORRISS, and ERIC CHASSE,

Defendants.

ORDER

This matter comes before the court on plaintiff's application to proceed *in forma pauperis*. Plaintiff filed complaint and motion for leave to proceed *in forma pauperis* in the United States District Court for the Eastern District of Virginia on April 11, 2008. After the prior judge in the case determined that the Eastern District of North Carolina was the proper venue, the case was transferred to the undersigned.¹ United States Magistrate Judge William A. Webb issued a memorandum and recommendation ("M&R") on April 22, 2008 recommending that plaintiff's motion to proceed *in forma pauperis* be granted, but that the complaint be dismissed for failure to state a claim upon which relief can be granted. Plaintiff did not file written objections to the M&R. The ten (10) day time period in which plaintiff had to file written objections having passed, the undersigned adopts the reasoning contained in the M&R. Therefore, the complaint is DISMISSED without prejudice and the clerk of court is directed to close the case.

SO ORDERED, this the 14th day of July, 2008.


LOUISE W. FLANAGAN

Chief United States District Judge

¹Plaintiff's motion to proceed *in forma pauperis* was denied without prejudice, subject to reconsideration after transfer.